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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,196	04/23/2001	John P. O'Loughlin	TRW(VSSIM)4719-1	2264

7590 02/11/2003

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EXAMINER

LUM, LEE S

ART UNIT	PAPER NUMBER
3611	

3611

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/840,196	Applicant(s) O'LOUGHLIN ET AL.
Examiner Ms. Lee S. Lum	Art Unit 3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 December 2002.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-56 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-56 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 - * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

DETAILED ACTION

1. An Amendment was filed 12/10/02 in which Claims 55 and 56 were also added. The Claims presented for examination are 1-41, 46 and 48-56.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 2, 17, 18, 20-32, 35-41, 46, 48 and 52-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Stevens et al 6296274.

Re **Claims 1, 2, 20-24, 26-29 and 32**, Stevens discloses apparatus 10 for protecting an vehicle occupant comprising

side airbag 20 having forward and rearward portions along the A-, and C-, pillars of the vehicle,

fluid source 30 consisting essentially of helium (col 2, lines 24-27),

fill tube 50 extending into forward and rearward portions,

with spaced apertures 62 to inflate the airbag to a first pressure (col 3, lines 25-27), and,

maintain this inflation above a second pressure (col 4, lines 9-11), less than the first pressure, for a time period of at least 5-7 secs (col 4, lines 11-15),

the fluid directed into both portions at generally the same temperature and pressure during inflation (inherent, to effect protection of both front and rear passengers simultaneously), and,

the fluid having a temperature about equal to an ambient temperature for at least 98% of the time period (inherent), and,

sensor 80 actuating the fluid source.

Re Claims 17 and 18, the patent discloses the fluid as directed through the apertures at a supersonic velocity (col 3, line 41).

Re Claim 25, the patent discloses the fluid as compressed at about 6250 psig in Col 3, lines 37-39.

Re Claims 30 and 31, the patent discloses the fill tube as containing a volume of air (inherent), and, the fluid as gaining heat thermodynamically from the fill tube (inherent).

Re Claims 35-41 and 52-56, the patent discloses the recited elements as previously discussed.

Re Claims 46 and 48, the patent discloses a method of protecting a vehicle occupant, the steps derived from the structure and means previously discussed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Bowers et al 6299199.

Stevens does not disclose noninflated portions in the airbag, while Bowers shows these features 64. It would have been obvious to one with ordinary skill at the time the invention was made to include these elements, as shown in Bowers, to reduce the total weight and material of the airbag, thus reduce storing and inflation requirements.

4. **Claims 3-16, 33, 34 and 49-51** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure, in addition to the art listed on the IDS filed 12/10/02: Kokeguchi 6231078, Zimbrich et al 6213503, Faigle 6176518, Fink 5820162.

6. RESPONSE TO REMARKS: Moot in light of amendments.

7. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9-6, M-F. Our fax numbers are (703) 872-9326, 872-9327 for after-final communications, and 308-2571 for communications having given prior notice to the examiner. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.

Lesley D Morris
Lesley D. Morris
~~Primary Examiner~~
SPE Au 364

Ms. Lee S. Lum
Examiner
2/3/03

